

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

UNITED STATES OF AMERICA)	
)	DOCKET NO. 5:18-CR-004
v.)	
)	FACTUAL BASIS
JOHN DEVIN HALEY)	
_____)	

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

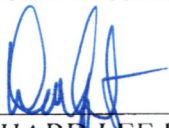
This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

1. On the night of January 23, 2018, a National Park Service law enforcement officer ("the LEO") received notice that there was a vehicle on fire along the Blue Ridge Parkway in Watauga County, North Carolina. In response, the LEO was driving his marked patrol vehicle along the Parkway toward the site of the vehicle fire when he observed the defendant walking along the side of the Parkway in the opposite direction. This was approximately one mile from that site. The LEO stopped, got out of his patrol vehicle, and asked the defendant if he knew anything about the vehicle and the fire. The LEO also attempted to ascertain why the defendant was walking along the Parkway at night, alone and in the cold.

2. The LEO could smell the scent of alcohol emanating from the defendant. The defendant displayed a hostile demeanor, and also kicked and dislodged part of a split-rail fence along the Parkway. The LEO believed that the defendant was inebriated and arrested him for that offense. The LEO placed the defendant, who was handcuffed, into the back of the patrol vehicle and continued to drive to the site of the vehicle fire.

3. Upon arriving at the site, the LEO parked his vehicle along the side of the roadway, within the boundaries of the Blue Ridge Parkway in Watauga County, and got out to speak with other law enforcement officers on the scene, leaving the defendant in the back of the patrol vehicle. The defendant then kicked repeatedly at the rear passenger window, eventually kicking it out.

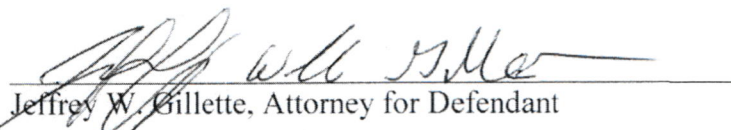
R. ANDREW MURRAY
UNITED STATES ATTORNEY



for RICHARD LEE EDWARDS
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Indictment, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Indictment, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis.


Jeffrey W. Gillette, Attorney for Defendant

DATED: 2/20/18